



January 30, 2007

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## SENATE BILL No. 88

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DIGEST OF SB 88 (Updated January 25, 2007 11:53 am - DI cl)

**Citations Affected:** IC 20-29; noncode.

**Synopsis:** Teachers in shortage areas. Provides that a school employer is not subject to the collective bargaining agreement when hiring certificated employees to fill positions in shortage areas determined by the state board of education.

**Effective:** July 1, 2007.

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### Weatherwax

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January 8, 2007, read first time and referred to Committee on Rules and Legislative Procedure.  
January 29, 2007, amended; reassigned to Committee on Pensions and Labor.

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SB 88—LS 6277/DI 13+



January 30, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## SENATE BILL No. 88

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 20-29-4-3, AS ADDED BY P.L.1-2005, SECTION
- 2 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 3 2007]: Sec. 3. **(a)** School employers have the responsibility and
- 4 authority to manage and direct on behalf of the public the operations
- 5 and activities of the school corporation to the full extent authorized by
- 6 law, including but not limited to the following:
- 7 (1) Direct the work of the school employer's employees.
- 8 (2) Establish policy through procedures established in
- 9 IC 20-29-6-4, IC 20-29-6-5, and IC 20-29-6-7.
- 10 (3) Hire, promote, demote, transfer, assign, and retain employees
- 11 through procedures established in IC 20-29-6-4, IC 20-29-6-5,
- 12 and IC 20-29-6-7.
- 13 (4) Suspend or discharge employees in accordance with
- 14 applicable law through procedures established in IC 20-29-6-4,
- 15 IC 20-29-6-5, and IC 20-29-6-7.
- 16 (5) Maintain the efficiency of school operations.
- 17 (6) Relieve employees from duties because of lack of work or

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1 other legitimate reason through procedures established in  
2 IC 20-29-6-4, IC 20-29-6-5, and IC 20-29-6-7.

3 (7) Take actions necessary to carry out the mission of the public  
4 schools as provided by law.

5 **(b) Notwithstanding an agreement entered into under this**  
6 **article, a school employer that seeks to hire certificated employees**  
7 **to fill positions in shortage areas designated by the state board is**  
8 **not subject to the provisions of the agreement in filling the**  
9 **positions. A certificated employee hired under this subsection**  
10 **remains outside the provisions of the agreement during the term of**  
11 **the certificated employee's employment with the school employer.**

12 SECTION 2. [EFFECTIVE JULY 1, 2007] (a) The general  
13 assembly finds that provisions in some collective bargaining  
14 agreements entered into between school corporations and exclusive  
15 representatives of teachers inhibit the ability of school  
16 corporations to fill positions in shortage areas (as determined by  
17 the state board of education), with the result that the ability of  
18 students in the shortage areas to learn is impaired.

19 (b) IC 20-29-4-3(b), as added by this act, applies to a collective  
20 bargaining agreement that is:

21 (1) in effect on July 1, 2007; or

22 (2) entered into or renewed after June 30, 2007.

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# SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 88 and that Senator Weatherwax be substituted therefor.

LONG

## COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 88, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Pensions and Labor.

(Reference is to SB 88 as introduced.)

LONG, Chairperson

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